

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER MACHON,  
Plaintiff

v.

PENNSYLVANIA DEPARTMENT OF  
PUBLIC WELFARE, et al.,  
Defendants

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CIVIL ACTION

NO. 11-4151

**ORDER**

**AND NOW**, this 23rd day of February 2012, it is ORDERED that Defendants' Motion to Dismiss (Doc. No. 12) Plaintiff's Amended Complaint (Doc. No. 10) is **Granted** in part, and **Denied** in part, as follows:

- All claims against Defendants DPW and Alexander are dismissed.
- All claims against Defendant Kent, in his official capacity, are dismissed.
- Defendants' motion to dismiss Count I (1<sup>st</sup> amendment retaliation) is denied as to Defendants Kent, Szczurowski, Cannon, Puleo, Chopak, Virden, and Miller.
- Defendants' motion to dismiss Count II (procedural due process - right to continued employment) against Defendant Kent is denied. Defendants' motion to dismiss Count II (substantive due process) is granted.
- Defendants' motion to dismiss Count III (14<sup>th</sup> Amendment equal protection) is granted.
- Judgement is reserved as to Defendants' qualified immunity defense to Plaintiff's Count IV (4<sup>th</sup> Amendment invasion of privacy) claim.
- Defendants' motion to dismiss Count V (Pennsylvania tort claim for invasion of privacy) is denied without prejudice as to Defendants Cannon, Puleo, Chopyak, Virden, and Miller. The motion is granted as to Defendants Alexander, Kent, and Szczurowski.
- Defendants' motion to dismiss Count VI (conspiracy) is granted.

s/Anita B. Brody

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ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to:

Copies **MAILED** on \_\_\_\_\_ to: